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graces or more voluptuous charms. They who dedicate themselves to her service miss the glittering hopes, the dizzy tumults, the wild raptures, which stir the blood of those who aspire to the prizes of wealth and fame ; but they miss, too, the cruel disappointments, the crushing reverses, the sad satieties, which are the sable lining of the silver cloud. Truth never betrays the hearts that trust her ; she does not promise them place, renown, wealth, or title, but she promises them herself, and she never fails to keep her word. Theirs is the sunshine of contentment and the air of peace. They escape the feverish struggles, the gnawing anxieties, the wasting cares, that furrow the brow, hollow the cheek, and corrode the heart. If their youth be attended by no splendid visions, if their manhood be passed in no stormy struggles, their age is like the long, silvery twilight of a northern summer, which preserves to the last some portion of the morning light. And among those few who, in their early prime, with deliberate purpose and in singleness of heart, have turned aside from the “ broad way and the green,” and sought the “ bright countenance of Truth in the quiet and still air of delightful studies,” the author of the work we have noticed is entitled to be classed.

ART. IX.—*The Works of Rufus Choate, with a Memoir of his Life.* By SAMUEL GILMAN BROWN, Professor in Dartmouth College. In two volumes. Boston : Little, Brown, and Company. 1862. pp. 558, 523.

IT is not a little matter, in this the day of famous mediocrity, to say of a man that it is fit that his biography should be written,—not merely that his public career should be described, because coinciding more or less with, and apt to illustrate, the course of the political, literary, or other history of his time and neighborhood, but that his own life, the story of his own mind and character, of his own labors, studies, hopes, ambitions, trials, and triumphs, should be recorded with the memorabilia of his generation, as a lesson and a

delight to those who come after him. This we take to be pure biography. Of this not much has been written; and not much of what has been written has signally benefited the world. It may be true, in a general, proverbial way, that there is instruction in the life of almost any man, if we could have it exactly and faithfully related to us; but there are few men in a generation whose personal, interior history it is really worth the world's while so to mark and learn. Mr. Choate was one of these few. He had contemporaries who were more in the public eye and upon the public tongue than he; who had more to do with "making history," for better or worse, than he; and whose biographies, therefore, as threads to string a narrative of public events upon, might be more useful or convenient than his. But, take it in all its relations and aspects, his was a life so abounding in material for curious and instructive study, his was an intellectual and moral constitution so rare and yet so complete, so thoroughly individual and yet so comprehensive, that his biography, rightly so called, attracts and repays our interest in a greater degree, certainly in a higher mode, than would that of almost any other of the more or less conspicuous men of his time. We speak of him now in those respects in which the public observe and judge eminent persons. To those of us who knew him,—whose love followed him daily here at home, where his look and voice, his words of wit and wisdom, his manly gentleness of behavior, his honor, modesty, loyalty to friendship and to duty, made part of our own enjoyment of life, and are still fresh in our affectionate recollection,—what biography can give a better knowledge of the man, or be needed to fix and invigorate our regard for his memory? It is not to those who so knew him that any biographer or reviewer is required to speak.

Few, however, so knew him. And outside of this limited circle, just such extravagant and incongruous notions are now found to be afloat as might be expected in the case of a man so precisely fitted at once to attract and to baffle the speculations of the curious. Naturally enough, those characteristics of Mr. Choate which were of a kind to catch the notice of the unthinking and unobserving crowd—not, strictly speaking,

characteristics at all, but rather mere oddities of speech or manner, perhaps indulged with something like a willingness that they should occupy men's speech, and leave, as the old phrase is, "himself to himself"—have, by frequent and exaggerated recital, come to constitute the popular estimate of the man. Reminiscences of this superficial sort have filled the ears of the community to such a degree that a sensible difficulty is interposed in the way of his biographer. No account of Mr. Choate which reduces these mere accidents to their just obscurity and subordination can be entirely acceptable to popular criticism. Perhaps, indeed, no proper biography of him can be so. It is not reasonable to expect that such a man should be commonly understood, no matter how faithful the interpretation of his mind and character may be. Caricatures, rude outlines, are pretty sure to amuse and satisfy the general reader; a complete picture would perhaps confuse and weary him.

The biography of Mr. Choate must properly be addressed to men of refined and cultivated minds, of scholarly taste, judgment, and temper; for such eminently he was himself, and by such alone can any true sketch of his life and character be rightly apprehended and enjoyed. Critics who are fit will be few. This present Memoir, therefore, will not hit the popular fancy as would a superficial and consequently worthless sketch. In so far as it is sober, discriminating, and just, it will be accepted as a satisfactory delineation of a "rare, noteworthy object"; only it must make its way somewhat slowly to the general acceptance, as the misty extravagances which have occupied the public mind in regard to its subject are slowly dispelled.

Not the least of those particulars in which the biographer of Mr. Choate is at some practical disadvantage may be the fact that he was a man of "secrecy in habit,"—that which Bacon declares to be part of "the best composition and temperature." Of marked "openness in fame and opinion," of social disposition and genial demeanor, he was shy and reserved in regard to himself, rarely permitting, never inviting, discussions of himself. His life was as recluse as the nature of his profession permitted; not that he desired concealment,

but that he enjoyed privacy. Nor does he seem to have been addicted to the practice of very general letter-writing. The glimpse we get of his correspondence in the Memoir, while it throws a charming light upon his character, shows him, we think, to have been not a man characteristically disposed in that way. Without meaning to be uncharitable to others, while we are just to him, let us say that from the restless egotism which drives so many men into writing long letters about themselves and their opinions, observations, and experiences, Mr. Choate was quite free. We know of no man of his time from whom readers of culture and sensibility would more gladly or more profitably have received such self-revelations ; but it was not his way to give them. We think it fair to recognize his biographer's lack of this very obvious and convenient means of biographical delineation.

The deficiency is in part supplied by what we may say, without depreciation of aught else in the Memoir, is by far, to ourselves, the most interesting part of its contents. We refer to the "fragments of journals" which were kept by Mr. Choate, in a rather irregular way, from time to time, and which now first see the light. With excellent judgment, his biographer has introduced, in the course of the Memoir, all that can now be recovered of these singularly interesting papers. They appear to have been commenced in 1843, and continued, with lengthening intermissions, down to 1850,—thus covering the period which was perhaps more than any other of his life occupied with constant, various, and fruitful labor, and for which such autobiographical records, enabling us to observe his methods of study, and listen to his charming library soliloquies, are particularly welcome. In 1850 he visited Europe ; and a separate journal of his visit, continuous as far as it goes, is given *in extenso* in the Memoir. We shall have occasion, by and by, to refer to certain passages from both records. For the present, we mention them in a general way only, as a very valuable part of the material at the biographer's command.

The task which Professor Brown undertook in writing this Memoir, and which we have already shown to be one of no ordinary difficulty, he has certainly performed with very good

success. He is evidently a man admirably fitted to be Mr. Choate's biographer. His book shows refined and generous feeling, with scholarship and judgment, and is written in a graceful and effective style. He evinces also a very gratifying discrimination in selecting for publication such reminiscences only of Mr. Choate as really tend to illustrate his essential characteristics, and does not overload his pages and darken his subject by random narrative of matters which, though sufficiently entertaining, are not significant. He writes with a geniality which shows the subsistence of a warm friendship with Mr. Choate while he lived, and a good degree of appreciation of his extraordinary intellectual powers, and even more extraordinary moral organization. Upon the whole, the biographer has laid us all under much obligation for so judicious and skilful an execution of his task, no less than for the generous loyalty to the memory of his distinguished friend, which prompted him to undertake it.

The account of Mr. Choate's childhood and early youth, from his birth in 1799, to his admission to the bar at the age of twenty-four, is brief, but perhaps sufficient. He was born in what was then the district of Chebacco, now the town of Essex, in the Commonwealth which was destined to be the province of his most distinguished labors, as it was the object of his lifelong attachment and veneration. The stanch Massachusetts stock from which he was descended, the associations of the old homestead upon the shores of Massachusetts Bay, where his earliest years were passed, the inveterate and traditional modes of old-fashioned Massachusetts life in which he was reared, all combined to fix that affection early and deeply in his character. At Dartmouth College, which he entered in his sixteenth year, he was, as we might well expect to find, *facile princeps* in classical study, and gave full promise, and more than promise, of the extraordinary devotion to, and aptness for, intellectual labor, by which he was afterwards distinguished. It was during his residence at Dartmouth that the controversy arose between the State of New Hampshire and the College, which is now familiar to the legal profession as the occasion of one of our "celebrated causes." It seems that to the absorbing interest which that

case excited, in its double relations to the law and the letters of the country, and the distinguished display of professional talent which it evoked, we are to attribute his first decided inclination to the study of the law. It is pleasant to record the felicitous fortune which assigned to an institution, thus distinguished for its successful invocation of the law of the country to the support of its chartered seminaries of learning, the collegiate training of one who was destined to combine in his own life so remarkably the accomplishments of the advocate and the scholar.

Mr. Choate closed his college course in 1819, and, after spending one year as tutor at Dartmouth,—“a year to him, and almost equally to his pupils, all sunshine,”—entered upon the study of his profession. He pursued it successively at the Cambridge Law School, at Washington in the office of Mr. Wirt, then Attorney-General of the United States, and at Ipswich and Salem, in the offices of gentlemen of the Essex bar. He first put up his sign as a practising attorney in Salem. It remained there “but one night, when his natural modesty or self-distrust led him to move it to Danvers, a little farther from the courts and from direct rivalry with the eminent lawyers who engrossed the business and controlled the opinions of that distinguished bar.” While residing at Danvers, Mr. Choate sat twice in the Massachusetts House of Representatives, and once in the Senate. In 1828 he removed to Salem, where, at a bar crowded with men then and since distinguished for professional ability and learning, he rose at once to a high position. We learn from the Memoir, that at this period he was engaged with the government in the celebrated trial of Knapp for the murder of Captain Joseph White, although his name does not appear in the record of the case. In 1831 he went to Congress as the successful candidate of the “National Republicans” from the district of Essex South; he was re-elected by an increased majority in 1833, and resigned his seat at the close of the first session to establish himself in Boston. To complete the mere matter of chronology, we note that it was in 1841 that he was chosen by the Legislature of Massachusetts United States Senator for the unexpired term of Mr. Webster, who

had gone into the State Department; and in 1845, having completed his service in the Senate, he returned to the regular practice of his profession, and went no more into public life.

Let us here say, that it is not our purpose to attempt in these pages any complete delineation of Mr. Choate's characteristics. If such attempt were successful, it would confer nothing upon the reader which the Memoir does not give him; and if unsuccessful, it would do harm where quite enough harm has been done already. We propose only to note some particulars which are especially noteworthy in view of their treatment in the Memoir itself.

It will probably not be disputed, that, in the sum and combination of the qualities which go to make up an advocate of the highest order, Mr. Choate never had a superior, if he ever had an equal, at the American bar. We say, in the sum and combination of these qualities, for we should by no means claim for him pre-eminence in each. Comparisons will occur to our professional readers, in some one or other of these particulars, between Mr. Choate and some one or other of his predecessors or contemporaries, which it is fair to make, although quite unprofitable to discuss. But in claiming for him that he possessed in a very remarkable, if not in our own history an unexampled degree, the manifold aptitudes and accomplishments, taken together, which an advocate should possess, we ascribe to him certainly a professional character of the rarest distinction.

The professional reader will understand, what laymen do not always understand, how many duties are comprehended in the office of an advocate, besides the mere address to the court or the jury; but it is more to our purpose to insist here upon the various qualities, intellectual and moral, which his office demands. It is not an uncommon impression outside of the bar,—if, unhappily, we may not say within it, too,—that, with fluent speech, ready wit, tact, ingenuity, memory, and attention, and a quantum, perhaps a modicum, of law, all the essential duties of this profession may be well enough performed. So fixed is this impression, that, while it is common to speak of such a one as a brilliant, or a clever, or an eloquent advocate, it seems almost a misapplication of the

word to speak of a *great* advocate. Now, beyond question, very many who swell the general tribute of admiration of Mr. Choate in this character have no better reason for it than that they suppose him to have possessed the qualities we have enumerated, or some of them, in a superlative degree. Thus has his reputation, and through it the reputation of the profession which he so loved and adorned, been made to suffer from the mere grossness of the popular sentiment in the very matter with respect to which it applauded him. But Mr. Choate himself, as his companions at the bar can testify from their own knowledge of him, entertained a conception of his part and duty as an advocate far higher than that of which we have been complaining. He magnified his office. For the science of the law, which as an advocate he was called upon to apply to the affairs of men, he cherished a sincere and profound veneration. Yet more. The general system of the judicial determination of controversies, the art, so to speak, which the science of the law guides, informs, and instructs, and by which it acts daily and directly through courts of justice upon the citizens of the state, in all their infinitely varied relations, moral and economical, we believe Mr. Choate regarded first and foremost as the grand human instrumentality for conserving and advancing the best interests of society.

No meaner sentiment than this, we believe, lay at the foundation of his professional character. Out of it there sprang principles which strongly and constantly marked his professional life. His respect for the bench was not merely the instinctive deference of a conservative disposition as to constituted authority, nor the natural jealousy of a sensitive and refined mind for the decorum of the court-room where his days were passed; but it was, if we mistake him not, the particular expression, in act, of a profound and controlling sentiment of veneration for the law which the bench represented. Something even of the same kind seemed to underlie his well-known courtesy and knightly bearing towards his companions at the bar,—as if he never forgot how worthy an allegiance it was that he and his antagonist both owed, after all, to the law, whose subjects and soldiers both were. But particularly

we wish to note that this sentiment of veneration for the law as a civil institution, early fixed and incorporated in his professional character, gave a quality to his special training and practice as an advocate which necessarily, and as a matter of fact, raised him in that respect above the traditional and far too common type. To take up a controversy arising under the laws of his country or his State, and carry it through her courts of justice according to their due and orderly methods of administration, and with the thorough and disciplined use of their instrumentalities, was a matter which not only engaged his best powers, but put him upon his responsibility to his profession. He discharged his duties as an advocate under a constant sense of the dignity of his character as a member of that profession. In his hands it was not (to quote Gibbon's expression, applied to the practice of the Roman advocates under the empire) a "sordid and pernicious trade," but a liberal profession, prosecuted in a liberal spirit, and advanced and adorned by all liberal culture. He labored to succeed in this or that professional undertaking, not for the pecuniary rewards of success, not for the gratification of triumph over others, but because each undertaking was a *work* which he owed it to his professional character to perform as well as possible.

The Memoir before us abounds in evidence and illustration of that characteristic of Mr. Choate to which we have referred. We extract a few passages from the "fragments of journals," where, as we have before observed, a more intimate knowledge of the man will be afforded to the reader than was attained by his most intimate acquaintances while he lived, and from which we should be glad to make more ample quotations, did our space permit.

"There is a pleasure beyond expression in revising, rearranging, and extending my knowledge of the law. The effort to do so is imperatively prescribed by the necessities and proprieties of my circumstances; but it is a delightful effort. I record some of the uses to which I try to make it subservient, and some of the methods on which I conduct it. My first business is obviously to apprehend the exact point of each new case which I study,— to apprehend and to enunciate it precisely,— neither too largely nor too narrowly,— accurately,

justly. This done, I arrange the new truth, or old truth, or whatever it may be, in a system of legal arrangement. Then I advance to the question of the *law* of the new decision, — its conformity with standards of legal truth, — with the statute it interprets ; the cases on which it reposes ; the principles by which it is defended by the court, — the *law*, — the question whether the case is law or not. This leads to a history of the point ; a review of the adjudications ; a comparison of the judgment and argument with the criteria of legal truth.

“ I seem to myself to think it is within my competence to be master of the law, as an administrative science.

“ A charm of the study of law is the sensation of advance, of certainty, of ‘having apprehended,’ or being in a progression towards a complete apprehension of *a distinct department and body of knowledge*.

“ To my profession, *totis viribus*, I am now dedicated, — to my profession of the law and of advocacy, with as large and fair an accompaniment of manly and graceful studies as I can command.” — Vol. I. pp. 87 — 89.

Here we have the private meditations of a mind evidently animated by no common spirit of respect for the professional offices which it had to perform. We will also, and particularly, refer the reader to Mr. Choate’s speech in the Massachusetts Constitutional Convention, upon the subject of the judicial tenure, as containing a capital exhibition of the same loyal spirit of devotion to his profession in its highest aspects. We are particularly glad, by the way, to perceive that this speech is preserved in Professor Brown’s collection. To our mind, it shows more of Mr. Choate’s true professional character and sentiment, as well as the variety of his oratorical power, than any other which we can recall.

It is not unadvisedly that we have confined ourselves, in speaking of him as a professional man, to his qualities and powers as an advocate. He himself, as we just saw, speaks of his profession as “ *the law and advocacy*. ” For, in fact, advocacy is the crowning act of the lawyer’s profession ; it is the concentration and the summing up of his studies and labors ; by it, or through it, the foundations of the law, as the one great social science, were laid, and the details of its ever growing but ever symmetrical structure are elaborated. It is the energy of the law. All else in the law is its product

merely. In advocacy, the bar and the court act together to determine and settle the manifold and infinitely ramifying questions, upon the solution of which the order of civil life depends. If it can be called a part only of the work of the legal profession, it is certainly that part through which, as through the trunk of a tree, the life and vigor of the other parts are derived. And so, in the expression of the fact that Mr. Choate was a great advocate, let it not be supposed that there is an implied exclusion of this or that professional accomplishment. It is, at any rate, certain that Mr. Choate, in dedicating himself "*totis viribus* to the law and advocacy," asserted a purpose which, as he understood it, exacted the profoundest and broadest study, and satisfied the most generous ambition, within the compass of professional life.

We must not linger, as we would gladly, to speak of the particular traits in his professional character, such as commanded always the cordial respect of the bench, and secured for him the constant and affectionate attachment of his companions at the bar. It would be but needless repetition of the emphatic expression of sentiment which, upon the news of his death, came so warmly and promptly from both the bench and the bar. From the commemorative addresses which were then made among his recent professional associates, and some of which are inserted in the Memoir, the reader will learn, as well as any address or writing can tell him, what it was in Mr. Choate's professional character for which they so much loved and honored him.

From the "Fragments of Journals" inserted in the Memoir we get his own account of what we cannot pass here without particular mention,—his habits of study, as bearing upon his profession of "the law and advocacy." We do not believe there can be found in the history of the bar an instance of such sedulous study of law, carried on day by day, together with, but quite independently of, so arduous a practice in the courts. Mr. Choate, in the maturity of his reputation and success, habitually studied text-books and reports (aside from particular cases in hand or on trial, demanding each its special investigation and reflection) with a thoroughness and an assiduity which would have been becoming to a beginner at the

bar. His labor in this respect was minute and conscientious. He kept himself constantly, if we may so say, in *training* for the immediate exigencies of his practice,—a training which, by any lower standard of advocacy than his, would have been rejected as superfluous, and, with any purpose of study less resolute than his, would have been declined as impracticable. To this he added, as part of his professional discipline, and as directly auxiliary to the complete performance of his duty as advocate, still another line of study, pursued with equal strictness and fidelity,—that of the ancient and the English classics; the former frequently with carefully written translation, and the latter with written analysis and commentary;—all designed primarily to perfect and invigorate him in the practice of his profession of “the law and advocacy.” The amount and variety of study which he thus accomplished would be incomprehensible, but for our knowledge of his marvellous faculty of discrimination or selection, by which his mind, as if with a sort of magnetism, seized instantly upon what it sought, indifferent to and unimpeded by the intermixture of other matter, and but for our knowledge, also, of his enthusiastic love of study for its own sake. It is to us extremely interesting to have here set down from hour to hour, by his own hand,—the very record being a part of the task of exact intellectual discipline which he imposed upon himself,—the minute particulars, the gradual advances, the hopes, regrets, perplexities, encouragements, gratulations, through which those studies were pursued, whose exuberant fruit now enriches and adorns the forensic and other literature of his country.

Mr. Choate accepted his first nomination to Congress, in 1830, from no feeling of political ambition, if not with a positive disinclination to political life. He seems to have yielded partly to the solicitations of friends, and partly to the suggestion of a prudent judgment, that, besides omitting an opportunity of rendering public service at a very critical period, he would, by withholding himself altogether from public position, debar himself from a legitimate and very considerable means of advancing his professional ambition. In those days, the high places of the nation were so readily supplied by men of

eminent character and capacity, that for one such to decide the question of his own candidacy with partial reference to his own personal wishes and ends argued no insensibility to public duty. Having, however, accepted the nomination, and been elected, he immediately addressed himself with manly fidelity to the work of special preparation for his new position. In a letter to his friend, President James Marsh, he writes :—

“ The responsibilities of the new place I appreciate fully ; — *pro parte virili*, I shall try to meet them. I have a whole year yet, you know, before me, before I take my seat, — quite short time enough for me to mature and enter on a course of study and thought adapted to this sphere of duty. I hardly dare yet look the matter in the face. Political life — between us — is no part of my plan, although I trust I shall aim in good faith to perform the duties *temporarily* and *incidentally* thus assigned.” — Vol. I. p. 33.

His biographer inserts in the Memoir extracts from a notebook in which, about the same time, Mr. Choate set down very minutely and systematically the method of preparation which he proposed to himself for the due discharge of these duties.

“ Then follow,” says the Memoir, “ more than twenty pages of the closest writing, with abbreviated and condensed statements of results drawn from many volumes, newspapers, messages, and speeches, with propositions and arguments for and against, methodically arranged under topics, with minute divisions and subdivisions. Some of these heads, under which he endeavors to compress the most essential political knowledge, are these : —

“ 1. Public lands, giving the number of acres in the whole country, the States where they lie, the sources whence derived, the progress and system of sales, &c., &c.

“ 2. Politics of 1831, brought down to the beginning of the session in December, an analysis of the President’s Message, and notes upon the subjects which it suggests ; the measures and policy of the government.

“ 3. The Tariff, beginning with an analysis of Hamilton’s Report in 1790 ; History of Legislation respecting it ; Internal Improvements, their cost and the Constitutional power of making them.

“ Then follow three or four closely written pages on particular articles : wool, cotton, flax, hemp, iron, as affected by the tariff.

“ 4. Analysis of British opinions.

" 5. Cause of the excitement in the Southern States.

" 6. Commerce of the United States in 1831.

" These are but a sample of the subjects which occupied his attention, but they may serve to indicate the thoroughness with which he prepared for his new position." — Vol. I. p. 32.

This preparation was made within a year sufficiently crowded with important professional engagements to exhaust a very superior capacity for labor and study.

We need not recall the names which at that time illuminated the rolls of both houses of Congress. It was a period of legislative responsibility worthy of the giant strengths which were gathered there to meet it. And we need no more complete demonstration of the extraordinary breadth and vigor of Mr. Choate's powers, as well as of the thoroughness and soundness of his previous studies of political history and philosophy, than the fact that he took at once, in such a Congress, at such a period, not only an honorable, but a commanding position.

The subject of the Tariff was the first upon which he spoke. Professor Brown gives a very graphic description of the scene, and adds: "He sat down amidst the enthusiasm of those who heard him, members of all parties rushing to offer their congratulations. His position as a parliamentary orator was established." The thunder-cloud of State-Rights agitation, which was destined to burst a year or two later with such might as almost to wreck the government, was then gathering fast and formidable in the political sky. We quote a single expression from a letter of Mr. Choate to an intimate friend, written during the session of 1832–3, to show how well defined his own principles were at that trying crisis of our history. "One single mistake now," he says, "any yielding, anything short of a dead march up to the whole outermost limit of Constitutional power, and the Federal Government is contemptible forever." In 1833 he was again elected to the House by an increased majority, and in the course of that year he delivered a speech of great eloquence and power upon the subject of the removal of the deposits. At the close of that session, having determined to fix his residence in Boston, he resigned his seat in Congress, and gave himself with re-

newed ardor to the practice of his profession, in which, with the diversion of occasional literary addresses near home, he was exclusively occupied until the year 1841. In that year, Mr. Webster having accepted the State Department under President Harrison, it became necessary for the Legislature of Massachusetts to elect his successor in the United States Senate. We quote from the *Memoir* :—

“The public wishes soon pointed to Mr. Choate, and his friends proceeded to consult him about the matter. The offer was at first met by a decided refusal, nor was it until after repeated interviews and the greatest urgency that he finally permitted his name to be brought before the Legislature, and then only with the express understanding that he should be allowed to resign the place within two or three years. The causes of this reluctance to accept so high and honorable and attractive an office were probably many and complicated. His natural modesty, a distaste for the annoyances of public life, a loathing of political schemers, plans of study and achievement with which public duties would interfere, the necessity of an income, the love of personal independence,— all these undoubtedly influenced his judgment.”— Vol. I. p. 48.

He was elected by the Legislature, and took his seat in the Senate at a period not less interesting, and in some respects not less momentous, than that at which he had first appeared in the House. The case of the Caroline, which had but recently occurred, had greatly excited public feeling, so as to drive us to the verge of a war with Great Britain. We all know with what admirable temper and wisdom Mr. Webster, retaining the State Department, after the retirement of several of his colleagues in the Cabinet, against an almost irresistible party pressure, conducted the critical diplomacy of the period. Mr. Choate’s first speech, after taking his seat in the Senate, was a defence of that diplomacy, in an argument which commands our admiration equally by its eloquence and learning and by its humanity and practical wisdom.

While he continued in the Senate, Mr. Choate spoke but seldom; when he did, generally addressing himself with thorough preparation to an exhaustive discussion of whatever cardinal measure might be occupying the attention of Congress and the country. Of these speeches in the Senate, we

have, in Professor Brown's volumes, the following : "In the Case of Alexander McLeod" (the Caroline just referred to) ; "On the Bill to provide Further Remedial Justice in the Courts of the United States by an Extension of their Powers" (the object of which was to meet such cases as that of McLeod, and to prevent a conflict of authority between any of the States and the United States) ; "On the Power and Duty of Congress to continue the Policy of protecting American Labor" ; "On the Question of annulling the Convention for the Common Occupation of the Territory of Oregon, and in reply to Mr. Buchanan" ; a second "Speech upon the Subject of Protecting American Labor by Duties on Imports" ; and a "Speech on the Bill for the Establishment of the Smithsonian Institution." It would be fruitless to attempt particular observations upon these various speeches, which certainly present enough to establish Mr. Choate's claim to stand in the first rank of modern parliamentary orators. We cannot resist the temptation, however, to refer here to a single occasion on which he indulged in something nearer to personal retaliation in debate than appears anywhere else in his public or professional career, and with such signal point and effect as to manifest the abundance of his resources in such a contest ; especially as his remarks, being out of connection with the regular debate in the Senate, are not reported in Professor Brown's collection. Mr. Choate had spoken against a bill introduced by Mr. M'Duffie to revive the Compromise Tariff of 1833. We give what followed, as it is recorded in the Memoir.

"The debate closed on the 31st of May. Mr. M'Duffie, as having opened the discussion, occupied two days in replying to his different opponents. His hopes of carrying the bill, if ever entertained, had long since vanished ; and this may account in a measure for the unusual tone of his speech. The first portion of it was mainly addressed to Mr. Choate, and charged him with drawing very largely, if not exclusively, upon his imagination for his facts, and spinning and weaving a web 'about the texture of a cobweb, and produced very much in the same way.' He asserted that he gave isolated, if not garbled, extracts from the speeches of members of the first Congress, 'picking up from Grub Street a worm-eaten pamphlet, with opinions that would form an appropriate argument for the leader of a band of highway robbers.'

'I confess, Mr. President,' he went on to say, 'that when I followed the honorable senator, hopping and skipping from legislative debates to catch-penny pamphlets, gathering alike from the flowers and the offal of history, I found it difficult to decide whether his labors more resembled those of a humming-bird in a flower-garden, or a butterfly in a farm-yard.' There was more of the same sort. The answer was immediate, and in a strain which Mr. Choate *in no other case* ever indulged in. 'I must throw myself, Mr. President,' he said, 'on the indulgence of the Senate for a few minutes, and offer a few words of explanation, made necessary by the senator's comments upon a portion of the remarks which I had the honor to submit to you some six weeks ago. I do not propose to take notice of anything which he has said to other senators, nor of what I may call the general tariff matter of his speech. If others have been assailed, as I have been, by stale jests or new jests, stale argument or new argument, stale denunciations or fresh, they well know how to take care of themselves. I rejoice, too, to see that the protective policy of the country is taking excellent care of itself. One more such vote as another branch of Congress has just given,— one such election as will occupy, reward, and illustrate the approaching summer and autumn,— and the universal labor of America will be safe from the jokers of old jokes or the jokers of new jokes. If then it be assailed by the arguments of men or the arms of rebels, it will, I hope, be quite able to defend itself against them also.'

"Confining myself then, Mr. President, altogether to the senator's notice of me, I must begin by saying, that never in my life have I been so completely taken by surprise as by this day's exhibition, just closed, of good manners, sweet temper, courteous tone, fair statement of his opponent's position, masterly reply to it, excellent stories — all out of Joe Miller — extemporaneous jokes of six weeks' preparation, gleaned from race-ground, cockpit, and barn-yard, with which the senator from South Carolina has been favoring the Senate and amusing himself. I came into the Senate yesterday with the impression that the occasion was to be one of a sort of funereal character. I supposed that this bill of the senator — never fairly alive at all, but just by your good-nature admitted to have been so for a moment to make a tenancy by courtesy, and now confessedly dead — was to be buried. I came in, therefore, with composed countenance, appropriate meditations on the nothingness of men and things, and a fixed determination not to laugh — if I could help it. The honorable senator, I supposed, would pronounce the eulogy, and then an end. Even he, I expected, would come rather to bury than to praise. I thought it not improbable that we should hear the large and increasing majority of the American people

proclaimed robbers and plunderers,—because that we hear from the same source so often some threatening of nullification, in old forms or new, some going to death on sugar, some ‘ purging of the passions by pity and terror,’—and then the ceremony would be closed, and all be over.

“ No tongue, then, can express the surprise with which I heard the honorable senator waste a full hour or more of the opening of his speech, and some precious health and strength, in slowly dealing out a succession of well-premeditated and smallish sarcasms on me. I was surprised, because I think the Senate will on all sides bear witness to what, under the very peculiar circumstances, I may be excused for calling to mind,—my own general habit of courtesy here. Not participating with excessive frequency in debate, nor wholly abstaining from it, I have sought always to observe the manner, as I claim to possess the sentiments, of a gentleman. In such a body as this, such a course is, indeed, no merit and no distinction. It is but an unconscious and general sense of the presence in which we speak.

“ In the instance of this discussion of the tariff, I am totally unaware of any departure from what I have made my habit. The senator from South Carolina had, as he had a perfect right to do, introduced a proposition which, adopted, would sweep the sweet and cheerful surface of Massachusetts with as accomplished, with as consummated a desolation, as if fire and famine passed over it; and would permanently, and widely, as I believed, and most disastrously, affect the great interests and all parts of the country. That proposition I opposed, debating it, however, in a general tone, and with particular expression of high respect for the abilities and motives of the honorable senator, and in a manner from first to last which could give no just offence to any man. I acknowledge my surprise, therefore, at the course of the senator’s reply. But I feel no stronger emotion. I do not even remember all the good things at which his friends did him the kindness to smile. If he shall ever find occasion to say them over again, he will have, I presume, no difficulty in re-gathering them from the same jest-book, the same historian of Kilkenny, the same race-ground and cockpit and barn-yard where he picked them up. They will serve his purpose a second time altogether as well as they have done now.

“ The honorable senator, applying himself diligently to the study of this debate of 1789, says he finds that it turned very much on the molasses duty. This suggests to him, first, a good joke about “ switchel,” and then the graver historical assertion that “ Massachusetts has always been more sensitive about her own pockets, and less about her neighbors’, than any State in the Union.” Now, Sir, I should be half

inclined to move a question with him upon the good taste of such a sally as that, if I did not greatly doubt whether he and I have any standards of taste in common. I should be inclined to intimate to him that such a sarcasm upon a State five hundred miles distant, which he does not represent, to which he is not responsible, is no very decisive proof of spirit or sense. He will judge whether such things have not a tendency to rankle in and alienate hearts that would love you, if you would permit them. Let us remember that we have a union and the affections of union to preserve, as well as an argument to conduct, a theory to maintain, or a jest, old or new, to indulge. . . . It is a grief to the honorable senator to see protection sentiments spreading at the South.

“Sun! how I hate thy beams!”

I rejoice to see this, on the contrary. I should be glad of it, though it should raise up a manufacturing competitor in every State of the Union. I rejoice to perceive symptoms of a return to the homogeneous nature and harmonious views of an earlier and better day. I rejoice to see that moral and physical causes, the power of steam, the sober second thought of the people, are combining to counteract the effects of a wide domain, and local diversities, on opinion and on feeling. I am glad to see the whole nation reassembling, as it were,—the West giving up, the South holding not back,—reassembling on the vast and high table-land of the Union! To the Senator from Georgia [Mr. Berrien], and to the Senator from Virginia [Mr. Rives], who have so conspicuously contributed to this great result, I could almost presume to counsel, persevere as you have begun.

“Sic vobis itur ad astra!”

“That way,” in the vindication of this policy, in the spread of this light, in the enforcement of this truth,—“that way, glory lies.”” — Vol. I. pp. 79—84.

Besides the speeches in the Senate, these volumes contain a considerable number of Mr. Choate’s best known public addresses delivered elsewhere, of a literary, political, or other character. Among them we are glad to find the following: “An Address delivered before the Law School in Cambridge,” on “The Position and Functions of the American Bar, as an Element of Conservatism in the State”; a “Speech before the Young Men’s Whig Club of Boston, on the Annexation of Texas”; a “Speech on the Judicial Tenure, delivered in the Massachusetts State Convention”; a Speech on the Preser-

vation of the Union, "delivered at the Constitutional Meeting in Faneuil Hall, November 26, 1850"; his "Argument on the Removal of Judge Davis"; his Oration, delivered July 5, 1858, on "American Nationality"; and his "Discourse commemorative of Daniel Webster, delivered before the Faculty, Students, and Alumni of Dartmouth College."

It may be fairly said, that Mr. Choate's countrymen are under real obligations to the judicious and intelligent labor by which so many of his best oratorical productions have been rescued from the imbroglio of all but inscrutable manuscript which has come to the hands of his biographer. There is every reason to believe that the task of the reader, or rather the translator, of these papers, has been performed with fidelity and strict accuracy; and we hold it to be by no means trivial to make acknowledgment of this, in a case where so much harm, positive and negative, would have been suffered from the reverse. We have the satisfaction of knowing that we possess, essentially and characteristically at least, and for the most part literally, the most memorable of those public addresses, the oral delivery of which none who heard them will deny to have been a marvel of oratorical grace and power. But beyond the mere demonstration which these records furnish of his extraordinary eloquence, we feel that the whole nation is to be congratulated upon the possession, in a permanent form, of the selected discourses upon public affairs, embracing the most momentous situations through which his country passed during his lifetime, of one whom the discourses alone show to have had few equals among the great men of our history in respect to that various, accurate, and profound knowledge of affairs, and enlightened practical wisdom in administration, which make the statesman and the publicist; who was second to none, of the present or of the past, in respect to that moderation, justness, and generosity of sentiment and purpose, in all matters of public concern, which, at once inspired by and directing the impulses of an honest love of country, constitute the character of a true patriot.

We have expressed our judgment of these volumes as they illustrate the professional and political life of Mr. Choate; and now, again disclaiming any design to attempt the superfluous

and fruitless task of delineating his remarkable and most attractive character,— for we have no office or purpose here but to introduce the work of another to the notice of our readers,— we must occupy a little further time in noticing the biographer's execution of his work in respect to the more personal, intimate, and familiar aspects of the life of his distinguished friend. Of necessity, we must be brief and cursory. We pass over some matters upon which remark would be obvious, easy, and to ourselves gratifying; such as the oratory of Mr. Choate, with its strong peculiarities and felicities; his exuberant and rare wit; his brilliant literary and scholarly accomplishments; his conversation, which, for the thought, the language, the manner, was perfection—not of art; his *behavior*, so exquisitely made up of courtesy, gentleness, and dignity,— never, by any possibility, under any circumstances, “unseemly.” Of all these, his friend and biographer speaks fully and with appreciation, and his description will admirably serve to correct and harmonize the picture, which, with some misconceptions and exaggerations, was long ago impressed upon the public mind.

For ourselves, we would rather spend our little remaining space in noting some particulars, not quite obvious or familiar to all, perhaps, yet indispensable to a complete understanding of his life and character, and well illustrated, if not directly remarked upon, in the Memoir.

He was a man of singular reserve,—singular both in degree and in quality; not the reserve of self-occupation, certainly not that of self-esteem. It was an instinct rather than a purpose. He was of such a moral constitution, that communication of himself beyond a certain line was naturally impossible. As we said a little while ago, he did not so much desire concealment as enjoy privacy. Within this innermost circle, he lived intensely. It was the centre of his being, unapproachable, steadfast, ardent with the purpose of his whole life. And that purpose was earnest and sincere. He strove to do his best with what he knew, as well as anybody else, were uncommon powers. He felt the full responsibility which their possession laid upon him. As to his use of them, he was contented with no judgment derived merely from public applause. He tried himself by a standard as much more rigorous than that of

most men, as his achievements were higher than theirs. So long as he himself believed that he could accomplish more, he was unsatisfied with what he had accomplished. He did not court or wait for praise. He received it, in all its forms of compliment and deference, with unaffected modesty and depreciation ; for he knew better than his admirers, perhaps, what the precise amount of his work had been, and that it might have been, ought to have been, more. Like an athlete, he constantly set his mark farther and farther ; enjoying the effort, and secretly congratulating himself upon the progress, but not priding himself upon the result.

In the "Leaves of an Imperfect Journal of Readings and Actions," as Professor Brown denominates them, which he has inserted in the Memoir, we have a fragmentary record of Mr. Choate's *library life*. In his library, certainly, he was peculiarly himself, and at home. There he passed, if not the happiest, the most characteristic hours of his life. In it he revelled in delightful labor. When absent from it, he longed for it with an affectionate personal longing. When he has just set foot on a foreign shore, in search of diversion and recreation, he writes home : " My heart swells to think of you all, and of my poor, dear library. Take good care of that." Again, from Paris : " Take care of my library,—dearer than the *Bibliothèque du Roi*,—though smaller." And again, writing in his diary, on the ocean : " I sigh for the sweet luxuries of my little library *μικρόν τε φιλόν τε*." Not small, by any means ; but it was one which he gathered about himself by the intellectual attraction of a life which had grown up with him, the family and friends of his mind. In this companionship, he lived another sort of domestic life. And thus it is that these "Fragments of Journals," giving us, as we have said, his library life, admit us to what we constantly and especially desire, a knowledge of the man himself,—of his habits of thought, his purposes and aspirations. In the autobiographical pages which are thus placed before us, we find him discussing with himself what he has done, and what he is to do,—reproaching himself, congratulating or encouraging himself, sometimes exchanging with himself a little sober pleasantry. Besides the exquisite literary criticism and exegesis, which we should be

sure to find, there are occasional expressions of personal feeling which throw an interesting and even an affecting light upon his character. After recording the purpose with which, and the plan upon which, he intends to keep this diary of life in his library, he says : —

“ I have written enough to satisfy me I cannot keep this journal ; yet seriously do I mean to try. Those I love best may read, smile, or weep, when I am dead, at such a record of lofty design and meagre achievement ; yet they will recognize a spirit that ‘ endeavored well.’ ”
— Vol. I. p. 66.

Again, after the termination of some important trial, he writes : —

“ The review of this arduous and responsible professional labor suggests a reflection or two. I am not conscious of having pressed any consideration farther than I ought to have done, although the entire effort may have seemed an intense and overwrought one. Guilty she certainly appears upon the proof to have been, and I can discern no trace of subornation or manufacture of evidence. God forgive the suborner and the perjured, if it be so ! ” — Vol. I. p. 67.

Again (soon after his retirement from the Senate) : —

“ A little attention to things, and persons, and reputations about me, teaches me that uncommon professional exertions are necessary to recover business to live, and a trial or two teaches me that I can very zealously and very thoroughly, and *con amore*, study and discuss any case. How well I can do so, compared with others, I shall not express an opinion on paper ; but if I live, all blockheads which are shaken at certain mental peculiarities shall know and feel a reasoner, a lawyer, and a man of business. In all this energy and passion I mean to say no more than that the *utmost possible painstaking with every case* is perfectly indispensable, and fortunately not at all *irksome.* ” — Vol. I. p. 90.

And particularly this : —

“ Finished with some pages of Jeremy Taylor, on life and death. . . . I will daily read in the English version at least six verses of the New Testament, with an earnest effort to understand, imbibe, and live them. Satis, plusquam satis, sic vixisse, — sic non vixisse, — nec pulchre, — nec recte, — sine dignitate, — sine me ipsum salvum faciend. ! sine reg. — sine observ. — Dei præcept. — sine intellig. — et app. — ad me instit. — et ritus rel. Christ — vit. ist. tuæ felic. non debetur, nec

promissa, nec poss. ! Ideo ut supra in vers. ang. unâ cum fin. diei stud. Sex vers. leg. et med. et orare ! ” — Vol. I. p. 97.

We cannot stay to quote from the many notable passages of literary criticism contained in these fragments of journals, to which, indeed, we have again referred only for the striking illustrations afforded by them, here and there, of certain particulars of Mr. Choate’s character, which seem to us to have been not always understood or appreciated.

In the course of the Memoir are introduced a very few of his private letters. Nothing can be more grateful to the affectionate recollection of his friends, or better serve to illustrate his character to those who knew him not, than these intimate memorials of his private and domestic life. We have in mind particularly his letters to his children. We forbear quotation, for, once beginning, we should not know what to omit. They all overflow with the warmest and purest affection ; here and there delightfully touched by a gleam of his own indescribable humor ; dignified always by that grave sweetness which never deserted his demeanor at the most familiar times ; and enriched by the most earnest precepts of virtue and honor.

We must not conclude this already too much protracted notice without a brief reference to Mr. Choate’s journal of his visit to Europe in the summer of 1850, which included England, Belgium, France, a part of Germany, and Switzerland, and terminated in September. Its opening sentences are so characteristic as to demand quotation.

“ I never promised myself, nor any one else, to attempt a diary of any part of the journey on which I have set out, still less of the first, most unpleasant, and most unvaried part of it, — the voyage. But these hours, too, must be arrested and put to use. These days also are each a life. ‘ Let me be taught to number them, then,’ — lest, seeking health, I find idleness, ennui, loss of interest, — more than the allotted and uncontrollable influence of time on the faculties and the curiosity.” — Vol. I. p. 143.

Once more, to show how constant and conscientious was his lifelong purpose of self-culture, note the following entry in the Diary, made when he had just arrived at Liverpool.

“ And now to some plan of time and movement for England. Be-
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fore breakfast I shall walk at least an hour *observantly*, and on returning jot down anything worth it. This hour is for exercise, however. I mean next to read every day a passage in the Bible, a passage in the Old and in the New Testament, beginning each, and to commit my ‘Daily Food.’ Then I must carefully look at the papers for the purpose of thoroughly mastering the actual English and European public and daily life, and this will require jotting down the debates, the votes, chiefly. Then I must get, say half an hour a day, for Greek and Latin and elegant English. For this purpose, I must get me an *Odyssey* and *Crusius*, and a *Sallust*, and some single book of poems or prose, say *Wordsworth*. This, lest taste should sleep and die, for which no compensation shall pay.

“For all the rest, I mean to give it heartily, variously, to what travel can teach,—men—opinions—places,—with great effort to be up to my real powers of acquiring and imparting. This journey shall not leave me where it finds me. Better, stronger, knowing more. One page of some law-book daily I shall read. That I must select to-morrow, too.”—Vol. I. pp. 145, 146.

The following is his memorandum of a visit to the law courts.

“I heard a cause partially opened to a committee of Lords, another partially argued to the jury in the Exchequer, and another partially argued to the Lords Commissioners. The A. G. [Attorney-General] Jervis [Sir John Jervis] and Mr. Cockburn [Alexander E. Cockburn] open respectively for and *versus* Pate, for striking the Queen. There was no occasion for much exertion or display, and there was nothing of either. Mr. Cockburn had the manner of Franklin Dexter, before the committee. Mr. Marten seemed animated and direct, in a little Exchequer jury cause. Pate would have been acquitted in Massachusetts. The English rule is,—knowledge, or want of it, that the act is wrong. The prisoner’s counsel, in my judgment, gave up his case by conceding; he feared he should fail. I thought and believed he might have saved him. The chief judge presiding, Alderson [Sir E. H. Alderson], offended me. He is quick, asks many questions, sought unfavorable replies, repeats what he puts down as the answer, abridged and inadequate. The whole trial smacked of a judiciary whose members, bench and bar, expect promotion from the Crown. Their doctrine of insanity is scandalous. Their treatment of medical evidence, and of the informations of that science, scandalous.

“One thing struck me. *All* seemed to admit that the prisoner was so far insane as to make whipping improper! yet that he was not so

insane as not to be guilty. Suppose him tried for murder, how poor a compromise!

"The question on handwriting was 'do you *believe* it to be his?' after asking for knowledge. Opening the pleadings is useless, except to the court, and is for the court. The speaker is at too great a distance from the jury. Their voices are uncommonly pleasant; pronunciation odd, affected, yet impressing you as that of educated persons. Some, Mr. Humphry, Mr. Cockburn, occasionally hesitated for a word. All narrated dryly, not one has in the least impressed me by point, force, language, power; still less, eloquence or dignity. The wig is deadly." — Vol. I. pp. 146, 147.

Arrived at Paris, he

"attended a sitting of the Chamber of Deputies—an assembly of good-looking men—not just then doing anything of interest—most interesting, however, as the government, and the exponent and multifarious representation of the political and social opinions, and active organ, of a great nation. Two or three deputies spoke to a most freezing inattention. They 'got the floor' in their seats, then went to the tribune, laid their MSS. at their side—and went to it as we lecture at lyceums. Great animation—much gesture—a constant rising inflection at the end of periods before the final close of the sentence—an occasional look at the MSS. and pull at the tumbler of water—some pausings at the noise of inattention—this is all I could appreciate. The courts of law pleased me, too. The judges in cloaks or robes of black, with caps,—quiet, thoughtful, and dignified; the advocate, in a cloak and bare-headed, debating with animation and no want of dignity,—the dress and manners far better than the English bar. The silk gown, or cloak, is graceful and fit, and might well have been (it is too late now) among the costumes of our bar." — Vol. I. pp. 149, 150.

Our readers will readily believe that the notes upon historical persons, places, and associations, which the few pages of this diary contain, will richly repay the reading. The descriptions of scenery are full of poetic spirit, and always lead to and terminate in some grand or touching recollection of the past. The scene was to him but the memorial of great deeds, great thoughts, the agonies of great minds and hearts living once upon its breast. At Mont Blanc, observe the difference. After a brief and somewhat cold description, he adds: "From all this glory, and at this elevation, my heart turned homeward, and I only wished that, since dear friends could not share this

here, I could be by their side, and Mont Blanc a morning's imagination only."

The Diary is very brief, terminating with his observations upon Cambridge, and before he had visited the North of England, Edinburgh, Abbotsford, Glasgow, and the Lowlands of Scotland. He returned home in September.

This diary, the journal, and the letters, constituting as much of self-description as Mr. Choate has left us, possess unquestionably an interest and a value beyond what could be claimed for any biography. There was in him that involution of characteristics, if we may so speak, which makes exact, methodical description quite impossible. The author of the Memoir has given, upon the whole, a just impression of him ; and that is a success. His work will serve to perpetuate the memory of the eloquence, learning, and patriotism, the wit and the culture, which secured for Mr. Choate the honor and admiration of his contemporaries. But the best of biographies cannot give us back the charm of his daily life among us. That is for memory alone.

- ART. X.—1. "*Christopher North.*" *A Memoir of John Wilson, late Professor of Moral Philosophy in the University of Edinburgh.* Compiled from Family Papers and other Sources, by his Daughter, MRS. GORDON. Edinburgh : Edmonston and Douglas. 1862. 2 vols. Small 8vo. pp. xii. and 335, 399.
2. *The Works of PROFESSOR WILSON, of the University of Edinburgh.* Edited by his Son-in-Law, PROFESSOR FERRIER. Edinburgh and London : William Blackwood and Sons. 1855 – 58. 12 vols. Small 8vo.

IT has often been remarked, that the life of a man of letters affords little variety of incident to a biographer ; but this remark scarcely holds good with regard to Professor Wilson. Born to the inheritance of an ample fortune, which was lost through the misconduct or the incompetency of another, he